



1401 H Street NW
Suite 600
Washington DC
20005-2164

Tel (202) 326-7244
Fax (202) 326-7333
wmccormick@usta.org
www.usta.org

Walter B. McCormick, Jr.
President and Chief Executive Officer

November 3, 2003

***EX PARTE* PRESENTATION**

The Honorable Michael K. Powell,
Chairman
Federal Communications Commission
445 12th Street, SW, Room 8 B201
Washington, D.C. 20554

The Honorable Kathleen Q. Abernathy
Commissioner
Federal Communications Commission
445 12th Street, SW, Room 8 B115
Washington, D.C. 20554

The Honorable Jonathan Adelstein
Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

The Honorable Michael Copps
Commissioner
Federal Communications Commission
445 12th Street, SW, Room 8 A302
Washington, D.C. 20554

The Honorable Kevin Martin
Commissioner
Federal Communications Commission
445 12th Street, SW, Room 8 A204
Washington, D.C. 20554

Re: Telephone Number Portability, CC Docket No. 95-116

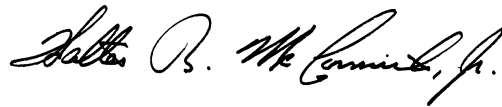
Dear Commissioners:

The undersigned (USTA Member Companies) believe that the Federal Communications Commission (FCC/Commission) must institute a rulemaking proceeding before changing its rules regarding number porting outside of the rate centers of wireline carriers. For the Commission to permit wireline-to-wireless number porting outside of the wireline rate center into larger wireless local calling areas would be anti-competitive, and in violation of the Administrative Procedure Act (APA).

Permitting wireline-to-wireless number porting outside of the wireline rate center into larger wireless local calling areas impairs the ability of many incumbent local exchange carriers (ILECs) to rate toll calls. Requiring number porting outside of the ILEC rate centers will undermine and dramatically impact intrastate rate structures administered by state public service commissions. Moreover, competition is not a one-way street. Because of the geographic disparity between wireline and wireless carriers, consumers will be harmed by the lack of full competitive choice, due to the inability to port most numbers from wireless providers to wireline providers. And with inconsistent rules, the consumers will likely be caught in the middle. Hence, we contend that the FCC cannot change the wireline porting boundary via a declaratory ruling proceeding, but rather must institute a rulemaking proceeding in conformance with the APA.

USTA Member Companies do not oppose inter-modal local number portability under the current law. However, we believe that any change to the current law cannot occur unless the FCC fully considers the impacts of inter-modal number portability upon all carriers. A rulemaking proceeding would better enable the FCC to adequately examine the rate center issue, which will require the creation of a concrete record in order that cost, efficiency, administrative simplicity, and effects on intrastate rate structures administered by state public service commissions, as well as the consumer impacts that will result, are taken into account.

Sincerely,

A handwritten signature in black ink, appearing to read "Walter B. McCormick, Jr.", written in a cursive style.

Walter B. McCormick, Jr.
President & CEO
United States Telecom Association

Albion Telephone Co
All West Communications
Andrew Telephone Co
Bear Lake Telephone Co
BellSouth Corporation
Belmont Telephone Co
Bentleyville Telephone Co
Big Bend Telephone Co
Bretton Woods Telephone Co
Cascade Utilities, Inc.
Cassadaga Telephone Co
Central Scott Telephone Co
Central Utah Telephone Co
CenturyTel
Citizens Communications
Clear Lake telephone Co, Inc
Comporium
Connections ETC
Consolidated Communications
Cuba City Telephone Exchange Co
D&E Communications
Dubois Telephone Exchange
Dunbarton Telephone Co
Dunkirk & Fredonia Telephone Co
Epic Touch
Fairpoint Communications, Inc.
Granite State Telephone, Inc.
Guadalupe Valley Telephone Cooperative, Inc.
Harrisonville Telephone Co
Haviland Telephone Co
Heartland Telecommunications
Hinton Telephone Co
Horizon Chillicothe Telephone
Hutchison Telephone Co
Industry Telephone Co
Inter-Community Telephone Co
JBN Telephone Co
Jefferson Telephone Co
Kalona Cooperative Telephone Co
Lakedale Communications
LaMotte Telephone Co
Lincolnville Telephone Co
Local Access Prime, LLC
Mankato Citizens Telecommunications
Manti Telephone Company
Mashell Telecom, Inc.
MercedNet, Inc.
Midcommunications Telephone Company
Middleburgh Telephone Co
Monroe Telephone
New Ulm Telecom
Nortex Communications

North Pittsburgh Telephone Co
Pottawatomie Telephone Co.
Paul Bunyan Rural Telephone Cooperative
PBT Telecom, Inc.
Pine Drive Telephone Co
Ponderosa Telephone Co
Pymatuning Independent Telephone Co
Rainier Connect, Inc.
Range Telephone Cooperative, Inc.
RT Communications
SBC Communications, Inc.
Skyline Telephone Co
Southwest Texas Telephone Co
SureWest Communications
Tidewater Telecom
Toledo Telephone Co
Upper Peninsula Telephone Co
Warwick Valley Telephone Co.
Western New Mexico Telephone Co
Wilson Telephone Co